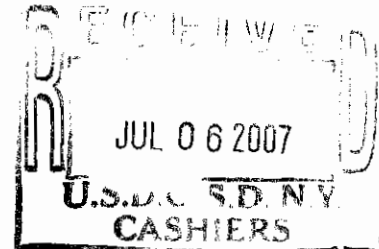


07 CV 6239
JUDGE MARREROUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ANGEL VAZQUEZ,

Plaintiff,

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,Defendants.
-----X**NOTICE OF REMOVAL**TO: SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PLEASE TAKE NOTICE that on the 7th day of July, 2007, defendants CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH ONOFRIETTI, filed a Petition for Removal, a copy of which is annexed hereto, with the United States District Court, Eastern District of New York.

Dated: New York, New York
July 5, 2007

Respectfully submitted,

~~CARFORA KLAR GANLO VITUCCI~~
~~PINTER & COGAN~~BY: MATTHEW J. VITUCCI (6446)
Attorneys for Defendants
185 Madison Avenue, 12th fl.
New York, NY 10016
(212) 683-7100TO: THE YANKOWITZ LAW FIRM, PC
Attorneys for Plaintiff
175 East Shore Road
Great Neck, NY 11023
516-622-6200
File No: 6716-06

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VAZQUEZ,

Plaintiff,

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.
-----X

**PETITION FOR
REMOVAL**

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

The Petition of CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH ONOFRIETTI,
(hereinafter "defendants") respectfully shows, as follows:

1. The undersigned is the attorney for the defendants in the above-entitled action now pending in the Supreme Court of the State of New York, County of New York; that service of a Summons and Complaint was made upon defendants, CLASSIC CRUISERS and CLASSIC TOURS, a New Jersey corporation with principal places of business in New Jersey via regular mail on or about June 22, 2007, with service of a Summons and Complaint being made upon defendant Joseph Onofrietti, a New Jersey citizen, via regular mail on June 22, 2007 as well.

2. That the causes of action as set forth in the Complaint seek money damages for personal injuries.

3. In their Complaint, plaintiff seeks to recover damages for personal injury resulting from the alleged negligence in the ownership, operation, management, maintenance and control of a certain vehicle that was involved in an accident that took place at the location of Broadway Avenue at or near its intersection with 51st Street, New York, New York on June 10, 2006.

4. It is alleged that the defendants were negligent in the ownership and operation of a certain vehicle identified as bearing New Jersey registration BXW3574.

5. The plaintiff resides in Philadelphia, Pennsylvania.

6. Defendant CLASSIC CRUISERS and CLASSIC TOURS are a New Jersey corporation with a principal places of business located in New Jersey.

7. That this action may be removed to this Court by the defendants pursuant to 28 U.S.C. Section 1441(c) since plaintiffs' action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

8. As the residence and situs of incorporation amongst the defendants and plaintiff establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, the defendants' desire to remove this action from the Supreme Court of the State of New York County of New York, to the United States District Court for the Southern District of New York.

9. The defendants attach hereto a copy of all process and pleadings thus far served herein.

WHEREFORE, defendants pray that the action now pending against them in the Supreme Court of the State of New York, County of New York be removed therefrom to this Court.

Dated: New York, New York
July 5, 2007

Respectfully submitted,

CARFORA KLAR GALLO VITUCCI
PINTER & COGAN

By: 

MATTHEW J. VITUCCI (6446)
Attorneys for Defendants
185 Madison Avenue, 12th fl.
New York, NY 10016
(212) 683-7100

TO: THE YANKOWITZ LAW FIRM, PC
Attorneys for Plaintiff
175 East Shore Road
Great Neck, NY 11023
516-622-6200
File No: 6716-06

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VAZQUEZ,

Plaintiff,

VERIFICATION

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.
-----X

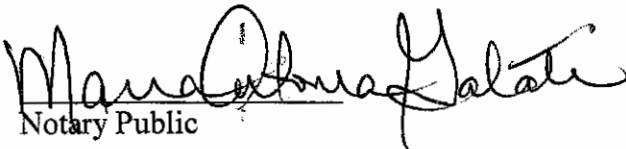
MATTHEW J. VITUCCI, being duly sworn according to law, deposes and says:

That he is one of the attorneys for the within named defendants/petitioners; that he has read the foregoing Petition for Removal; and that the statements contained therein are true in substance and to my knowledge.



MATTHEW J. VITUCCI (6446)

Sworn to before me this
5th day of July, 2007.


Notary Public

MARIA ANTONIA GALATI
Notary Public, State of New York
No. 01GA4749899
Qualified in Richmond County
Commission Expires July 31, 2009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VAZQUEZ,

Plaintiff,

AFFIDAVIT

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.

-----X
STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

MATTHEW J. VITUCCI, being duly sworn, deposes and says:

1. I am a member of the law firm of CARFORA KLAR GALLO VITUCCI PINTER & COGAN, attorneys for defendants herein.

2. Defendants petition this Court for removal; leave will be sought to amend the caption in this action to read as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VAZQUEZ,

Plaintiff,

-against-


CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI.

Defendants.

-----X

MATTHEW J. VITUCCI (6446)

Sworn to before me this
5th day of July, 2007.

5th day of July, 2007.

 MARIA ANTONIA GALATI
 Notary Public, State of New York
 No. 01GA4749899
 Qualified in Richmond County
 Commission Expires July 31, 2009

MARIA ANTONIA GALATI

MARIA ANTONIA SANCHEZ
Notary Public, State of New York
1007-10322

No. 01GA4749899

Qualified in Richmond County

Commission Expires July 31, 2009

Jul-05-07

09:12am

From-YANKOWITZ LAW FIRM

5168294344

T-148

P.002/010

F-314

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
ANGEL VAZQUEZ,

Plaintiff(s),

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendant(s),
-----X

Index No.: 10544/07

Date Filed: 7/23/07

SUMMONS

Plaintiff designates NEW
YORK County as the place
of trial.

The basis of the venue is:
Place of occurrence

Plaintiff resides at:
3414 North 21 Street,
Philadelphia, PA 19134

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff's attorneys within 20 days after service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Great Neck, New York
April 2, 2007

Yours, etc.,

THE YANKOWITZ LAW FIRM P.C.

JACK A. YANKOWITZ

Attorney for Plaintiff

175 East Shore Road

Great Neck, NY 11023

(516)622-6200

File # 6716-06

DEFENDANTS' ADDRESS(ES):

CLASSIC TOURS
1045 Route 70
Manchester, N. J. 08759

Jul-05-07 09:12am From-YANKOWITZ LAW FIRM

5168294344

T-148

P.003/010

F-314

CLASSIC CRUISERS

1533 Prospect Street

Lakewood, NJ 08701

JOSEPH ONAFRIETTE

1296 Ridge Ave

Berndt, N.Y. 08005

Jul-05-07 09:12am From-YANKOWITZ LAW FIRM

5168294344

T-148 P.004/010 F-314

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
ANGEL VAZQUEZ,

Plaintiff(s).

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,Defendant(s),
-----X

VERIFIED COMPLAINT

Index No.: 105446/07

Plaintiff, by his attorney, THE YANKOWITZ LAW FIRM, P.C., complaining of the defendants herein, respectfully shows to this Court, and alleges as follows:

1. That on June 10, 2006, the plaintiff was and still is a resident of the State of Pennsylvania.
2. That on June 10, 2006, the defendant, JOSEPH ONAFRIETTE was a resident of the State of New Jersey.
3. That on June 10, 2006, the defendant, CLASSIC TOURS, was a domestic corporation.
4. That on June 10, 2006, the defendant, CLASSIC TOURS, was a foreign corporation.
5. That on June 10, 2006, the defendant, CLASSIC TOURS, did business in the State of New York.
6. That on June 10, 2006, the defendant, CLASSIC CRUISERS, was a domestic corporation.
7. That on June 10, 2006, the defendant, CLASSIC CRUISERS, was a foreign corporation.
8. That on June 10, 2006, the defendant, CLASSIC CRUISERS, did business in the State of New York.
9. That this action falls within one or more of the exemptions set forth in CPLR §1602.

10. That on June 10, 2006, and upon information and belief, the defendant CLASSIC TOURS, owned a bus motor vehicle bearing New Jersey registration number OXW3574.

11. That on June 10, 2006, and upon information and belief, the defendant CLASSIC CRUISERS, owned a bus motor vehicle bearing New Jersey registration number OXW3574.

12. That on June 10, 2006, the defendant, JOSEPH ONAFRIETTE, operated and controlled the aforesaid motor vehicle bearing New Jersey registration number OXW3574.

13. That on June 10, 2006, the defendant, JOSEPH ONAFRIETTE, operated and controlled the aforesaid motor vehicle with the knowledge, permission and consent of the defendant, CLASSIC TOURS.

14. That on June 10, 2006, the defendant, JOSEPH ONAFRIETTE, operated and controlled the aforesaid motor vehicle with the knowledge, permission and consent of the defendant, CLASSIC CRUISERS.

15. That on June 10, 2006, the defendant, JOSEPH ONAFRIETTE, operated the aforementioned motor vehicle within the scope of his employment.

16. That on June 10, 2006, the plaintiff, ANGEL VAZQUEZ, operated the motor vehicle bearing registration number GLV8243, State of Pennsylvania.

17. That on June 10, 2006, Broadway & West 51 Street, New York, NY, was and still is a public highway used extensively by the public in general.

18. That on or about June 10, 2006, at and/or near the aforesaid location, the defendants' aforesaid motor vehicle struck and came into contact with the plaintiff's aforesaid vehicle.

19. That as a result of the aforesaid collision and contact, plaintiff, ANGEL VAZQUEZ, was seriously injured.

20. That the aforesaid collision and injuries resulting therefrom, were due solely and wholly as a result of the careless and negligent manner in which the defendants operated and controlled their aforesaid motor vehicle without this plaintiff in any way contributing thereto

21. That defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of their aforesaid vehicle and the defendants were otherwise negligent, careless, reckless in the premises.

22. That by reason of the foregoing, plaintiff, ANGEL VAZQUEZ, sustained severe and permanent personal injuries and plaintiff, ANGEL VAZQUEZ, was otherwise damaged.

23. That plaintiff, ANGEL VAZQUEZ, sustained serious injuries as defined in §5102(d) of the Insurance Law.

24. That plaintiff, ANGEL VAZQUEZ, sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

25. That by reason of the foregoing and the negligence of the said defendants, this plaintiff sustained serious, severe, and permanent injuries to his head, limbs and body, still suffers and will continue to suffer for some time, great physical and mental pain and serious bodily injury; became sick, sore, lame and disabled and so remained for a considerable length of time.

26. That by reason of the wrongful, negligent and unlawful actions of the defendants, as aforesaid, the plaintiff, ANGEL VAZQUEZ, sustained serious injuries as defined in the Insurance Law of the State of New York, and has sustained economic loss greater than basic economic loss as defined in said Insurance Law.

27. That by reason of the foregoing and the negligence of the said defendants, this plaintiff, ANGEL VAZQUEZ, is informed and verily believes his aforesaid injuries are permanent and he will permanently suffer from the effects of his aforesaid injuries and he will be caused to suffer permanent

Jul-05-07

09:12am From-YANKOWITZ LAW FIRM

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embarrassment and continuous pain and inconvenience.

28. That by reason of the foregoing, this plaintiff, ANGEL VAZQUEZ, was compelled and did necessarily require medical aid and attention and did necessarily pay and become liable therefore, for medicines and upon information and belief, the plaintiff, ANGEL VAZQUEZ, will necessarily incur similar expenses.

29. That by reason of the foregoing, the plaintiff, ANGEL VAZQUEZ, has been unable to attend to his usual occupation and avocation in the manner required.

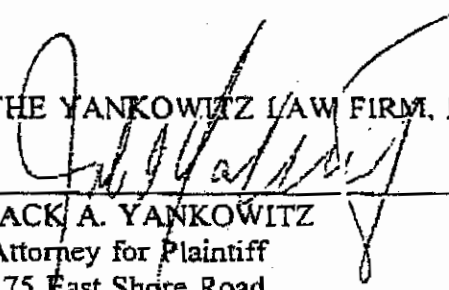
30. That by reason of the culpable conduct and wrongful, negligent and unlawful actions of the defendants, as aforesaid, the plaintiff, ANGEL VAZQUEZ, was severely injured, bruised and wounded, suffered, still suffers, and will continue to suffer for some time great physical pain and great bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

31. That as a result of the defendants negligence as aforesaid this plaintiff, ANGEL VAZQUEZ, has been damaged in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, ANGEL VAZQUEZ, demands judgment against the defendants in an amount exceeding the jurisdictional limits of all lower Courts which would otherwise have jurisdiction, together with costs and disbursements of this action.

Dated: Great Neck, NY
April 2, 2007

THE YANKOWITZ LAW FIRM, P.C.


JACK A. YANKOWITZ
Attorney for Plaintiff
175 East Shore Road
Great Neck, NY 11023

Jul-05-07

09:12am

From-YANKOWITZ LAW FIRM

5168294344

T-148

P.008/010

F-314

(516)622-6200

File # 6716-06

ATTORNEY VERIFICATION

STATE OF NEW YORK)
COUNTY OF NASSAU) SS:

JACK A. YANKOWITZ, the undersigned, an attorney admitted to practice in the Courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff in the within action; I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

Dated: Great Neck, NY
April 2, 2007

JACK A. YANKOWITZ

Jul-05-07 09:13am From-YANKOWITZ LAW FIRM

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T-148 P.010/010 F-314

Index No.

105446/07

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ANGEL VAZQUEZ,

Plaintiff(s),

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH ONOFRIETTI,

Defendant(s),

SUMMONS
VERIFIED COMPLAINT

THE YANKOWITZ LAW FIRM, P.C.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone

175 East Shore Road
Great Neck, NY 11023
TELEPHONE 516-622-6200

"WE DO NOT ACCEPT SERVICE BY ELECTRONIC TRANSMISSION (FAX) "

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL VAZQUEZ,

Plaintiff,

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.

NOTICE OF REMOVAL, PETITION FOR REMOVAL, VERIFICATION AND AFFIDAVIT

CARFORA KLAR GALLO VITUCCI PINTER & COGAN

Attorneys for Defendants

185 Madison Avenue, 12th Floor

New York, New York 10016

Tel: (212) 683-7100

Fax: (212) 683-5555

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VAZQUEZ,

Plaintiff,

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.
-----X

**STATEMENT PURSUANT
TO RULE 7.1**

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrates of the Court to evaluate possible disqualifications or refusal, the undersigned counsel of record for the answering defendant certifies the following are corporate parents, subsidiaries and/or affiliates of that party which are publicly held: None.

Dated: New York, New York
July 5, 2007

Respectfully submitted,

CARFORA KLAR GALLO VITUCCI
PINTER & COGAN

BY: 

MATTHEW J. VITUCCI (6446)
Attorneys for Defendants
185 Madison Avenue, 12th fl.
New York, NY 10016
(212) 683-7100

TO: THE YANKOWITZ LAW FIRM, PC
Attorneys for Plaintiff
175 East Shore Road
Great Neck, NY 11023
516-622-6200
File No: 6716-06

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGEL VAZQUEZ,

Plaintiff,

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.

STATEMENT PURSUANT TO RULE 7.1

CARFORA KLAR GALLO VITUCCI PINTER & COGAN

Attorneys for Defendants

185 Madison Avenue, 12th Floor

New York, New York 10016

Tel: (212) 683-7100

Fax: (212) 683-5555

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANGEL VAZQUEZ,

07 CV 6239

Plaintiff,

-against-

CLASSIC CRUISERS, CLASSIC TOURS and JOSEPH
ONOFRIETTI,

Defendants.
-----X

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

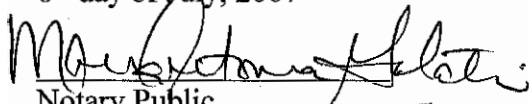
The undersigned being duly sworn, deposes and says that she is not a party to this action, is over the age of 18 years and resides in the County of New York. That on the 6th day of July, 2007, she served the within **NOTICE OF REMOVAL, PETITION FOR REMOVAL, VERIFICATION, AFFIDAVIT AND STATEMENT PURSUANT TO RULE 7.1** upon:

THE YANKOWITZ LAW FIRM, PC
Attorneys for Plaintiff
175 East Shore Road
Great Neck, NY 11023

by depositing a true copy of same securely enclosed in a post paid wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.


Yvette Pagan

Sworn to before me this
6th day of July, 2007


Notary Public
MARIA ANTONIA GALATI
Notary Public, State of New York
No. 01GA4749899
Qualified in Richmond County
Commission Expires July 31, 2009